

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHEILA PORTER,	)	
Plaintiff	)	
	)	
v.	)	
	)	Civil Action No. 04-11935-DPW
ANDREA CABRAL, SUFFOLK	)	
COUNTY SHERIFF'S DEPARTMENT,	)	
SUFFOLK COUNTY, and	)	
CORRECTIONAL MEDICAL	)	
SERVICES, INC.	)	
Defendants	)	
	)	

**DEFENDANTS ANDREA CABRAL, SUFFOLK COUNTY SHERIFF'S  
DEPARTMENT AND SUFFOLK COUNTY'S PARTIAL MOTION TO DISMISS  
PURSUANT TO FED. R. CIV. P. 12 (b)(6)**

Now come the Defendants and hereby move that this Honorable Court dismiss the following claim set forth in the Plaintiff's amended complaint pursuant to Fed. R. Civ. P. 12 (b)(6) for failure to state a claim upon which relief can be granted. In support of this motion, the Defendant states the following.

1. Count VI Against Suffolk County and Suffolk County Sheriff's Department Should Be Dismissed Pursuant To The Waiver Provisions Of M.G.L. c. 149, § 185.

In further support of their motion, the Defendants submit the attached Memorandum of Law.

**Defendants Respectfully Request A Hearing On This Motion.**

Respectfully submitted,  
For the Defendants  
By their Attorney

/s/ Ellen M. Caulo  
Ellen M. Caulo

B.B.O. #545250  
Deputy General Counsel  
Suffolk County Sheriff's Department  
200 Nashua Street  
Boston, MA 02114  
(617) 989-6681

Date: December 13, 2004

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

Counsel for the Defendant hereby certifies pursuant to Local Rule 7.1 that she called Plaintiff's counsel, Jennifer M. Goddard, on December 13, 2004 in an effort to confer and resolve the issues raised by the instant motion.

/s/ Ellen M. Caulo  
Ellen M. Caulo